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09/516,274 02/29/2000 Victor Michael Aquaro 1-1-36-86 9602  T590 07/30/2002  Kevin M. Mason Ryan & Mason L. L. P. 90 Forest Avenue Locust Valley, NY 11560  ART UNIT PAPER NUMBER	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
Kevin M. Mason Ryan & Mason L. L. P. 90 Forest Avenue Locust Valley, NY 11560  EXAMINER  NGUYEN, TUAN N	09/516,274	02/29/2000	Victor Michael Aquaro	1-1-36-86	9602	
Ryan & Mason L. L. P.  90 Forest Avenue  Locust Valley, NY 11560	7:	590 · 07/30/2002				
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner		Application No. Applicant(s)					
Tuan N Nguyen  The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the pedid for reply specified above is listed than the communication.  If the pedid for reply specified above is listed than the communication.  If the pedid for reply specified above is listed than the communication.  If the pedid for reply specified above is listed than the communication.  If the pedid for reply specified above is listed than the communication.  If the pedid for reply specified above is listed than the communication.  If the pedid for reply specified above is listed than the communication.  If the pedid for reply specified above is listed than the communication.  If the pedid for reply specified above is listed than the communication.  If the pedid for reply specified above is listed than the communication.  If the pedid for reply specified above is listed than the communication.  If the pedid for reply specified above is listed than the communication.  If the pedid for reply specified above is listed than the communication.  A proper than the communication is listed than the realistic date of this communication, even if timely filed, may reduce any specified and proper of the pedid to the realistic communication, even if timely filed, may reduce any specified and proper of the above that the proper of the pedid than the realistic communication.  Status    Status		09/516,274 AQUARO ET AL.					
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THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CPR 1.138(a). In no event, however, may a reply be timely filled after \$K, 69, MoNTHS from the mailing date of this communication.  - If the periodic for reply specified above in less than think (20) days, a vity bound of the provision of t		ears on the cover sheet with the	e correspondence address				
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  1-16 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s)  is/are rejected.  7)  Claim(s)  is/are objected to.  8)  Claim(s)  is/are objected to.  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on 2/29/00 is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on  is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some of the priority documents have been received in Application No.  3  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>						
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Application/Control Number: 09/516,274

Art Unit: 2828

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-15: draw to an optical coupling device that is classified in class 372, subclass 108.
- II. Claim 16: draw to a method for producing optical coupling that is classified in class 65 subclass 406.
- 2. Inventions I and II above are related as device and method. The inventions are distinct if it can be shown that either:
- a) the product (I) as claimed can be made by another and materially different process. (MPEP 806.05(e)), or
- b) the method (II) as claimed can be practiced by another materially different product or by hand.

For instance, unpatentability of the group I invention would not necessarily imply unpatentability of the group II invention, since the device of the group I invention could be made by other processes materially different from those of the group II invention.

- 3. Because the inventions are distinct from the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of the inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).
- 5. A shortened statutory period for response to this action is set to expired 1 (one) months and 0 (zero) day from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see 710.02 (b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N Nguyen whose telephone number is (703) 605-0756. The examiner can normally be reached on Monday - Friday from 7:30-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8592 for regular communications and (703) 308-7722 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Tuan N. Nguyen (2828) July 19, 2002

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